



GOVERNMENT OF KERALA

Law (Leg. Publication) Department

NOTIFICATION

No. 2871/Leg. Pbn. 2/07/Law. *Dated, Thiruvananthapuram, 8th February, 2007.*

The following Act of Parliament Published in the Gazette of India, Extraordinary, and Part II, Section I, dated the 14th September, 2006 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 13th September, 2006.

By order of the governor,

P. S. GOPINATHAN,
Law Secretary.

THE CANTONMENTS ACT, 2006

(Act No. 41 of 2006)

AN

ACT

to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Cantonments Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Declarations.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Assistant Health Officer” means the medical officer appointed by the General Officer Commanding-in-Chief, the Command, to be the Assistant Health Officer for a cantonment;

(b) “Board” means a Cantonment Board constituted under this Act;

(c) “boundary wall” means a wall which abuts on a street and which does not exceed two and a half metres in height;

(d) “building” means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall other than a boundary wall but does not include a tent or other portable and temporary shelter;

(e) "casual election" means an election held to fill a casual vacancy;

(f) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board and includes a vacancy in such office, arising under sub-section (2) of section 16;

(g) "Chief Executive Officer" means the person appointed under this Act to be the Chief Executive Officer of a cantonment;

(h) "civil area" means an area declared to be a civil area by the Central Government under sub-section (1) of section 46;

(i) "civil area committee" means a committee appointed under section 47;

(j) "Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Command for all or any of the purposes of this Act;

(k) "dairy" includes any farm, cattle-shed, milk-store, milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for the sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;

(l) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any supplier of milk and any occupier of a dairy;

(m) "dangerous disease" means cholera, leprosy, enteric fever, smallpox, tuberculosis, diphtheria, plague, influenza, venereal disease, hepatitis, Acquired Immune Deficiency Syndrome and any other epidemic, endemic, infectious or communicable disease which the Board may by public notice, declare to be, an infectious, contagious or communicable disease for the purposes of this Act;

(n) "Defence Estates Circle" means one of the circles into which India is, for the purposes of defence estates management, for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Defence Estates Circle for all or any of the purposes of this Act;

(o) "Defence Estates Officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purpose of this Act and the rules made thereunder;

(p) "Director General" means an officer of the Indian Defence Estates Service (IDES) appointed by the Central Government to perform the duties of the Director General, Defence Estates for the purpose of this Act and includes Senior Additional Director General and Additional Director General;

(q) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence estates, the Command, for the purposes of this Act and the rules made thereunder;

(r) "entitled consumer" means a person in a cantonment who is paid from the Defence Service Estimates and is authorised by general or special order of the Central Government to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order;

(s) "Executive Engineer" means the officer of the Military Engineer Services of that grade, having charge of the military works in a cantonment or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the station may designate in this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;

(t) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);

(u) "Forces" means the regular Army, Navy and Air force or any part of any one or more of them;

(v) "General Officer Commanding-in-Chief, the Command" (GOC-in-C, Command) means the Officer Commanding any of the Commands;

(w) "General Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this Act;

(x) "Group Housing" means a group of houses for dwelling purposes and any comprise all or any of the following: namely (a) a dwelling unit, (b) open spaces intended for recreation and ventilation, (c) roads, paths, sewers, drains, water supply and ancillary installations, street lighting and other amenities, (d) convenient shopping place, schools, community hall or other amenities for common use;

(y) "Government" in relation to this Act means the Central Government;

(z) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

(za) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;

(zb) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;

(zc) "inhabitant", in relation to a cantonment, or local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein, or declared as such by the Chief Executive Officer and in case of a dispute, as decided by the District Magistrate;

(zd) "intoxicating drug" includes a narcotic drug and psychotropic substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) as modified from time to time;

(ze) "market" includes any place where persons assemble for the sale of, or for the purposes of exposing for sales, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulations for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;

(zf) "military" includes Air Force, Navy and other defence related establishments;

(zg) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the army, navy or air force, or is an officer doing such duty in any arm, branch or part of any of those forces;

(zh) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(zi) "occupier" includes an owner in occupation of, or otherwise using his own land or building;

(zj) "Officer Commanding the station or Station Commander" means the military officer for the time being in command of the forces in a cantonment and if such officer is likely to be absent for more than thirty days, the General Officer Commanding-in-Chief, the command may nominate, by an order, another military officer as "Officer Commanding the station or Station Commander";

(zk) "ordinary election" means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time;

(zl) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(zm) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;

(zn) "Principal Director" means the Officer appointed by the Central Government to perform the duties of the Principal Director, Defence Estates, the Command for the purpose of this Act and the rules made thereunder;

(zo) "private market" means a market which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zp) "private slaughter-house" means a slaughter-house which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zq) "public market" means a market maintained by a Board;

(zr) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(zs) "public slaughter-house" means a slaughter-house maintained by a Board;

(zt) "resident" in relation to a cantonment, means a person who maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself or his family;

(zu) "regulation" means a regulation made by a Cantonment Board under this Act by notification in the Official Gazette;

(zv) "rule" means a rule made by the Central Government under this Act by notification in the Official Gazette;

(zw) "shed" means a slight or temporary structure for shade or shelter;

(zx) "slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(zy) "soldier" means any person who is a soldier or sailor or an airman subject to the Army Act, 1950 (46 of 1950) the Navy Act 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950) as the case may be, and who is not a military officer;

(zz) "spirituous liquor" means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Central Government may, by notification in the Official Gazette, declare to be a spirituous liquor for the purposes of this Act;

(zza) "street" includes any way, road, lane, square, court, alley or passage in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the road-way or foot-way over any bridge or cause way;

(zzb) "sub-area" means one of the sub-areas into which India is for military purposes for the time being divided and includes, for all or any of the purposes of this Act, any territory which the Central Government may, by notification in the Official Gazette, declare to be a sub-area for such purposes;

(zzc) "trade or commercial premises" means any premises used or intended to be used for carrying on any trade, commerce or industry;

(zzd) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw;

(zze) "water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices mains, pipes, culverts, hydrants, stand-pipes, and conduits and all machinery, lands, buildings, bridges and things used for, or intended for the purpose of supplying water to a cantonment; and

(zzf) "year" means the year commencing on the first day of April.

CHAPTER II

DEFINITION AND DELIMITATION OF CANTONMENT

3. *Definition of cantonments.*—(1) The Central Government may, by notification in the Official Gazette, declare any place or places along with boundaries in which any part of the Forces is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The Central Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

(3) When any place is declared a cantonment under sub-section (1), the Central Government shall constitute a Board within a period of one year in accordance with the provisions of this Act:

Provided that the Central Government may, for the reasons to be recorded in writing, extend the said period of one year for a further period of six months at a time:

Provided further that the Central Government may, until a Board is constituted, by order make necessary provisions for the efficient administration of the cantonment.

(4) The Central Government may, by notification in the Official Gazette, direct that in any place declared a cantonment under sub-section (1) the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.

4. *Alteration of limits of cantonments.*—(1) The Central Government may after consulting the State Government and the Board concerned, by notification in the Official Gazette, declare its intention to include within the cantonment any local area situated in the vicinity thereof or to exclude from the cantonment any local area comprised therein.

(2) Any inhabitant of a cantonment or local area in respect of which notification has been published under sub-section (1) may, within eight weeks from the date of notification, submit in writing to the Central Government through the General Officer Commanding-in-Chief, the Command, an objection to the notification, and the Central Government shall take such objection into consideration.

(3) On the expiry of eight weeks from the date of the notification Central Government may after considering the objections, if any, which have submitted under sub-section (2), by notification in the Official Gazette, include local area in respect of which the notification was published under sub-section or any part thereof, in the cantonment or, as the case may be, exclude such or any part thereof from the cantonment.

5. *The effect of including area in cantonment.*—When, by a notification under section 4, any local area is included in a cantonment, such area shall there become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws and directions issued or made thereunder.

6. *Disposal of cantonment fund and cantonment development fund when ceases to be a cantonment.*—(1) When, by a notification under section 3, a cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in such local authority, and the liabilities of the Board shall be transferred to such local authority.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the Central Government and the liabilities of the board shall be transferred to that Government.

7. *Disposal of cantonment fund and cantonment development fund when ceases to be included in a cantonment.*—(1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Board and is immediately placed under the control of some other authority, such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board and such portion of the liabilities of the Board, as the Central Government may, by general or special order, direct, shall be transferred to that other local authority.

(2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Board and is not immediately placed under the control of some other local authority; such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the Central Government, and such portion of the liabilities of the Board shall be transferred to that Government, as the Central Government may, by general or special order, direct.

8. *Application of funds and property transferred under sections 6 and 7.*— Any cantonment fund or a cantonment development fund or a portion thereof or other property of a Board vesting in the Central Government under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Board transferred under such provisions to that Government, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

9. *Limitation of operation of Act.*— The Central Government may, by notification in the Official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment—

(a) situated within the limits of a metropolitan area; or

(b) in which the Board is superseded under section 60,

apply with such modification as may be so specified.

CHAPTER III

CANTONMENT BOARDS

Boards

10. *Cantonment Board.*—(1) For every cantonment there shall be a Cantonment Board.

(2) Every Board shall be deemed to be a municipality under clause (e) of article 243P of the Constitution for the purposes of—

(a) receiving grants and allocations; or

(b) implementing the Central Government schemes of social welfare, public health, hygiene, safety, water supply, sanitation, urban renewal and education.

11. *Incorporation of Cantonment Board.*—Every Board shall, by the name of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both movable and immovable and to contract and shall by the said name, sue and be sued.

12. *Constitution of Cantonment Boards.*—(1) Cantonments shall be divided into four categories, namely:—

(i) Category I Cantonments, in which the population exceeds fifty thousand;